

Federal Housing Enterprise Oversight

§ 1702.2

§ 1701.7 Enforcement of payment.

Notwithstanding §1701.6, the Director may enforce the payment of any assessment under this part pursuant to the authorities of sections 1371 (12 U.S.C. 4631) (cease-and-desist proceedings), 1372 (12 U.S.C. 4632) (temporary cease-and-desist orders), and 1376 (12 U.S.C. 4636) (civil money penalties) of the Act.

§ 1701.8 Deposit in fund.

OFHEO shall deposit any annual assessment collected under this part in the Federal Housing Enterprise Oversight Fund established in the Treasury of the United States.

PART 1702—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

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AUTHORITY: 5 U.S.C. 552a, 12 U.S.C. 4513(b).

SOURCE: 63 FR 8844, Feb. 23, 1998, unless otherwise noted. Redesignated at 65 FR 81327, Dec. 26, 2000.

§ 1702.1 Scope.

(a) This part 1702 sets forth the procedures by which an individual may request access to records about him/her that are maintained by the Office of Federal Housing Enterprise Oversight

(OFHEO) in a designated system of records, amendment of such records, or an accounting of disclosures of such records. This part 1702 implements the provisions of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a).

(b) A request from an individual for a record about that individual that is not contained in an OFHEO designated system of records will be considered to be a Freedom of Information Act (FOIA) (5 U.S.C. 552) request and will be processed under the FOIA.

[63 FR 8844, Feb. 23, 1998. Redesignated and amended at 65 FR 81327, Dec. 26, 2000]

§ 1702.2 Definitions.

For the purposes of this part 1702—

Amendment means any correction of, addition to, or deletion from a record.

Designated system of records means a system of records that OFHEO has listed and summarized in the FEDERAL REGISTER pursuant to the requirements of 5 U.S.C. 552a(e).

Individual means a natural person who is either a citizen of the United States of America or an alien lawfully admitted for permanent residence.

Maintain includes collect, use, disseminate, or control.

Privacy Act Appeals Officer means the OFHEO employee who has been delegated the authority to determine Privacy Act appeals.

Privacy Act Officer means the OFHEO employee who has been delegated the authority to determine Privacy Act requests.

Record means any item, collection, or grouping of information about an individual that is maintained by OFHEO and that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual.

Routine use, with respect to disclosure of a record, means the use of such record for a purpose that is compatible with the purpose for which it was created.

Statistical Record means a record in a system of records maintained only for statistical research or reporting purposes and not used, in whole or in part, in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

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System of records means a group of records under the control of OFHEO from which information is retrieved by the name of the individual or some identifying number, symbol, or other identifying particular assigned to the individual.

[63 FR 8844, Feb. 23, 1998. Redesignated and amended at 65 FR 81327, Dec. 26, 2000]

§ 1702.3 Requests for access to individual records.

(a) Any individual may request records about him/her that are maintained by OFHEO.

(b) The procedures for submitting requests are as follows:

(1) If the records are contained in a governmentwide system of records of the U.S. Office of Personnel Management (OPM), the request must be submitted as prescribed by the regulations of OPM (5 CFR part 297).

(2) If the records are contained in a record in a system of records of another Federal agency, the request must be submitted as prescribed in the FEDERAL REGISTER Privacy Act notice for the specific governmentwide system.

(3) If the records are contained in a system of records of OFHEO, the request must be submitted in writing to the Privacy Act Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. The written request should describe the records sought and identify the designated systems of records in which such records may be contained. (A copy of the designated systems of records published by OFHEO in the FEDERAL REGISTER is available upon request from the Privacy Act Officer.) No individual shall be required to state a reason or otherwise justify a request for access to records about him/her.

§ 1702.4 Decision to grant or deny requests for access to individual records.

(a) *Basis for the decision.* The Privacy Act Officer shall grant access to records upon receipt of a request submitted under § 1702.3(b)(3), unless the records—

(1) Were compiled in reasonable anticipation of a civil action or proceeding; or

(2) Require special procedures for medical records provided for in § 1702.5.

(b) *Notification procedures.* (1) Within 20 business days of receipt of a request submitted under § 1702.3(b)(3), the Privacy Act Officer shall send a written acknowledgment of receipt to the requesting individual.

(2) As soon as reasonably possible, normally within 20 business days following receipt of the request, the Privacy Act Officer shall send a written notification that informs the individual whether the requested records exist and, if the requested records exist, whether access is granted or denied, in whole or in part.

(c) *Access procedures.* If access is granted, in whole or in part, the Privacy Act Officer shall provide the individual with a reasonable period of time to inspect the records at OFHEO during normal business hours or shall mail a copy of the requested records to the individual.

(d) *Denial procedures.* If access is denied, in whole or in part, the Privacy Act Officer shall inform the individual of the reasons for the denial and of the right to appeal the denial, as set forth in § 1702.9.

[63 FR 8844, Feb. 23, 1998. Redesignated and amended at 65 FR 81327, Dec. 26, 2000]

§ 1702.5 Special procedures for medical records.

The Privacy Act Officer shall grant access to medical records to the requesting individual to whom the medical records pertain. However, if, in the judgment of OFHEO, such direct access may have an adverse effect on that individual, the Privacy Act Officer shall transmit the medical records to a licensed medical doctor named by the individual.

§ 1702.6 Requirements for verification of identity.

(a) *Written requests submitted in person.* Any individual who submits in person a written request under this part, may be required to present two forms of identification, such as an employment identification card, driver's license, passport, or other document